



The Journal OF THE *House of Representatives*

Number 9

Friday, March 12, 2010

First Reading of Council and Committee Substitutes by Publication

By the Military & Local Affairs Policy Committee; Representatives Renuart, Ambler, Bullard, Horner, and Wood—

CS/HB 129—A bill to be entitled An act relating to military affairs; amending s. 115.07, F.S.; revising the amount of annual leave of absence granted to officers and employees of the state, counties, municipalities, and political subdivisions of the state who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or who are members of the National Guard; removing an obsolete provision relating to calculation of leave of absence; amending s. 250.10, F.S.; authorizing the Adjutant General to appoint a second Assistant Adjutant General for Army; providing a finding that the act fulfills an important state interest; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the State Universities & Private Colleges Appropriations Committee; and Agriculture & Natural Resources Policy Committee; Representative McKeel—

CS/CS/HB 149—A bill to be entitled An act relating to Florida Industrial and Phosphate Research Institute; transferring, renumbering, and amending s. 378.101, F.S.; establishing the Florida Industrial and Phosphate Research Institute within the University of South Florida Polytechnic; creating the Phosphate Research and Activities Board; providing duties, membership, and terms for the board; providing for an executive director of the institute; providing duties for the executive director; providing duties and authorized activities for the institute; amending s. 211.31, F.S.; conforming a cross-reference; providing for a type two transfer of the Florida Institute of Phosphate Research to the Florida Industrial and Phosphate Research Institute within the University of South Florida Polytechnic; repealing s. 378.102, F.S., relating to procurement of research services by the Florida Institute of Phosphate Research; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Health Care Regulation Policy Committee; Representatives Bogdanoff and Y. Roberson—

CS/HB 491—A bill to be entitled An act relating to teaching nursing homes; amending s. 430.80, F.S.; revising the term "teaching nursing home" as it relates to the implementation of a teaching nursing home pilot project; revising the requirements to be designated as a teaching nursing home; amending s. 400.141, F.S.; conforming a cross-reference; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Insurance, Business & Financial Affairs Policy Committee; Representatives Burgin and Sachs—

CS/HB 633—A bill to be entitled An act relating to human trafficking; creating s. 480.0535, F.S.; specifying documents that must be possessed by each person providing or offering to provide massage services; requiring presentation of such documents upon request of a law enforcement officer; requiring operators of massage establishments to maintain valid work authorization documents on the premises for each employee who is not a United States citizen; requiring presentation of such documents upon request of a law enforcement officer; prohibiting the use of a massage establishment license for the purpose of lewdness, assignation, or prostitution; providing criminal penalties; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Natural Resources Appropriations Committee; Representatives T. Williams, Poppell, and Rehwinkel Vasilinda—

CS/HB 709—A bill to be entitled An act relating to wildlife regulation; amending s. 379.231, F.S.; revising provisions relating to the sale or release of wildlife; amending s. 379.372, F.S.; prohibiting any person from keeping, possessing, importing, selling, bartering, trading, or breeding certain specified reptile species, including a reptile designated as a reptile of concern by the Fish and Wildlife Conservation Commission; providing certain exceptions applicable to reptiles for which the owner holds a permit issued before a specified date; providing an exemption for specified zoological facilities; amending s. 379.374, F.S.; providing bonding requirements for the possession of certain wildlife; amending s. 379.3761, F.S.; revising provisions relating to the exhibition and sale of wildlife; prohibiting the sale of wildlife in the state unless authorized by the commission; clarifying provisions relating to exhibition licensing; amending s. 379.401, F.S.; deleting a reference to conform to changes made by the act; amending s. 379.4015, F.S.; revising captive wildlife penalties to include conditional and prohibited species; providing civil penalties for violations relating to import, capture, possession, sale, use, exhibition, transport, or release of wildlife, including venomous reptiles and reptiles of concern; providing limitations; providing for penalty mitigation under certain conditions; requiring proceeds to be deposited into the State Game Trust Fund and used for specified purposes; requiring the commission to submit a specified annual report to the Legislature; directing the commission to evaluate the need to further restrict or ban the possession of certain species; amending ss. 379.101, 379.244, 379.26, 379.304, 379.361, 379.363, and 379.3762, F.S.; conforming terminology; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Government Operations Appropriations Committee; Representative Domino—

CS/HB 859—A bill to be entitled An act relating to the West Palm Beach Police Pension Fund of the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising the definition of the term "salary"; authorizing other fiduciary designees to sign fund drafts; clarifying an exception relating to the adoption of experience tables and interest rates; providing for the adjustment of benefits when changing joint annuitants or beneficiaries; removing the requirement for a spouse's consent to waive a joint and survivor benefit; providing for quarterly adjustment of share accounts; providing an exception to an exclusion for disabled members; revising provisions relating to the payment of certain death benefits; providing for bimonthly refund repayments; requiring the board of trustees to identify and report any holdings in a scrutinized company; requiring divestiture of certain securities within a specified time; limiting board liability relating to such divestiture; authorizing the withholding of certain retirement funds for certain purposes upon request of a retiree; reducing the amount of small retirement income that may be paid in a lump sum; authorizing certain city police officers to recontribute to the fund; revising provisions relating to determination of creditable service for members who die or become disabled while on active duty military service; providing for distribution of the fund in the event of termination of the pension plan; providing an effective date.

Proof of Publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Development Policy Committee; Representatives Hudson, Eisnagle, Abruzzo, Carroll, Crisafulli, Gibbons, Kelly, Porth, Skidmore, and Wood—

CS/HB 983—A bill to be entitled An act relating to the Florida Research Commercialization Matching Grant Program; creating s. 288.9552, F.S.; providing legislative findings and intent; creating the program; specifying procedures for processing program applications; providing eligibility guidelines for applicants; providing for a program administrator; providing responsibilities of the program administrator; providing for certain contracts; providing for program administrative costs; providing for grant awards up to a specified amount; requiring Enterprise Florida, Inc., to include a progress report of the program in its annual report to the Governor and Legislature; providing for expiration; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Health Care Regulation Policy Committee; Representatives Hudson, Adkins, and Crisafulli—

CS/HB 1143—A bill to be entitled An act relating to the reduction and simplification of health care provider regulation; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s.

395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic"; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under pt. II of ch. 408, F.S., to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; amending 400.147, F.S.; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.162, F.S., requiring nursing homes to provide a resident property statement annually and upon request; amending s. 400.179, F.S.; revising requirements for nursing home lease bond alternative fees; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; repealing s. 400.195, F.S., relating to agency reporting requirements; amending s. 400.23, F.S.; deleting an obsolete provision; clarifying a reference; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising definitions under the Health Care Clinic Act; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.034, F.S.; revising agency authority relating to

licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of pt. II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring proof of submission of notice to a mortgagor or landlord regarding provision of services requiring licensure; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of pt. II of ch. 408, F.S.; amending s. 408.815, F.S.; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.221, F.S.; deleting a reporting requirement relating to the consumer-directed care program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; increasing the licensure fees and the maximum fee required for the standard license; increasing the licensure fees for the extended congregate care license; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that a biennial survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that an assisted living facility that has a class I or class II violation is subject to monitoring visits; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; revising notification requirements for the sale or transfer of ownership of an assisted living facility; amending s. 429.14, F.S.; removing a ground for the imposition of an administrative penalty; clarifying language relating to a facility's request for a hearing under certain circumstances; authorizing the agency to provide certain information relating to the licensure status of assisted living facilities electronically or through the agency's Internet website; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.19, F.S.; clarifying that a monitoring fee may be assessed in addition to an administrative fine; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; amending s. 429.35, F.S.; authorizing the agency to provide certain information relating to the inspections of assisted living facilities electronically or through the agency's Internet website; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.54, F.S.; requiring licensed

assisted living facilities to electronically report certain data semiannually to the agency in accordance with rules adopted by the department; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.911, F.S.; deleting a ground for agency action against an adult day care center; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and cross-references; revising a reference; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Agriculture & Natural Resources Policy Committee; Representative Patronis—

CS/HB 1239—A bill to be entitled An act relating to docks; amending s. 258.42, F.S.; authorizing the placement of roofs on certain residential single-family docks; amending s. 403.061, F.S.; authorizing the Department of Environmental Protection to adopt rules that include special criteria for approving certain docking facilities in shellfish harvesting waters; deleting an obsolete provision; authorizing the department to maintain a list of projects or activities for applicants to consider when developing proposals in order to meet mitigation or public interest requirements; authorizing the department to implement an e-permitting program; authorizing the department to expand online self-certification for certain exemptions and general permits; prohibiting local governments from specifying the method or form for documenting that a project meets specified requirements; amending s. 403.813, F.S.; clarifying provisions relating to permits issued at district centers to authorize the use of different construction materials or minor deviations when replacing or repairing docks and piers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the State Universities & Private Colleges Policy Committee; Representatives Grimsley and A. Williams—

CS/HB 1337—A bill to be entitled An act relating to nursing; amending s. 456.014, F.S.; authorizing the disclosure of certain confidential information required of nursing license applicants to certain persons; amending s. 464.003, F.S.; providing and revising definitions; amending s. 464.008, F.S.; revising requirements for graduation from certain nursing education programs for nursing license applicants seeking to take the licensing examination; amending s. 464.015, F.S.; revising restrictions on nursing graduates who may use certain titles and abbreviations; amending s. 464.019, F.S.; revising requirements for the approval of nursing education programs by the Board of Nursing, including application requirements and procedures for the review and approval or denial of applications; revising requirements for the approval of nursing education programs meeting certain requirements before a specified date; providing for retroactive application; revising requirements for the submission of annual reports by approved programs; revising requirements for the information published on the board's Internet website; revising accountability requirements for an approved program's graduate passage rates on a certain licensing examination; revising procedures for placing programs on, and removing such programs, from probationary status; requiring termination of programs under certain circumstances; requiring certain representatives of programs that fail to submit annual reports to appear before the board; requiring the Department of Health to disclose certain confidential information about a program's graduates to the program director under certain circumstances; requiring program directors to maintain the confidentiality of such information; providing penalties for unlawful disclosure of confidential information; revising the board's authority to adopt rules; exempting accredited programs from specified requirements; conforming provisions; deleting obsolete provisions; revising requirements for the Florida Center for Nursing's evaluation of the board's implementation of certain accountability provisions; conforming cross-references; amending s. 464.022, F.S.;

conforming provisions; amending ss. 458.348, 459.025, 464.012, and 960.28, F.S.; conforming cross-references; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Reference

CS/HB 623—Referred to the PreK-12 Appropriations Committee and Education Policy Council.

CS/HB 927—Referred to the Military & Local Affairs Policy Committee and Finance & Tax Council.

HB 7099—Referred to the Economic Development & Community Affairs Policy Council.

Cosponsors

HB 165—A. Williams

HB 185—Cruz

CS/HB 295—Soto

HB 359—Pafford

HB 791—Murzin

HB 843—Bembry

HB 899—Soto

HB 1157—Bovo, Proctor

CS/HB 1337—A. Williams

HB 1443—Cruz

Reports of Standing Councils and Committees

Received March 11:

The State Universities & Private Colleges Policy Committee reported the following favorably:

HB 1337 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 1337 was laid on the table.

Received March 12:

The Military & Local Affairs Policy Committee reported the following favorably:

HB 129 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 129 was laid on the table.

The State Universities & Private Colleges Appropriations Committee reported the following favorably:

CS/HB 149 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/HB 149 was laid on the table.

The Health Care Regulation Policy Committee reported the following favorably:

CS/HB 325

The above committee substitute was transmitted to the next council or committee of reference, the Finance & Tax Council.

The Civil Justice & Courts Policy Committee reported the following unfavorably:

HB 329

The above bill was laid on the table.

The Health Care Regulation Policy Committee reported the following favorably:

HB 491 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 491 was laid on the table.

The Insurance, Business & Financial Affairs Policy Committee reported the following favorably:

HB 633 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 633 was laid on the table.

The Natural Resources Appropriations Committee reported the following favorably:

HB 709 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 709 was laid on the table.

The Government Operations Appropriations Committee reported the following favorably:

HB 859 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 859 was laid on the table.

The Economic Development Policy Committee reported the following favorably:

HB 983 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 983 was laid on the table.

The Health Care Regulation Policy Committee reported the following favorably:

HB 1143 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 1143 was laid on the table.

The Agriculture & Natural Resources Policy Committee reported the following favorably:

HB 1239 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 1239 was laid on the table.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Nays to Yeas—March 10: 532

Rep. Reed:

Rep. Evers:

Yeas—March 10: 548

Yeas—March 10: 531, 532

Yeas to Nays—March 10: 532

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